

48A C.J.S. Judges § 94

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IV. Standards of Conduct; Restrictions and Prohibitions

B. Nature of Conduct Proscribed or Prohibited

1. In General

§ 94. Nepotism

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(2), 21

Nepotism in the judiciary is to be condemned; judicial canons, as well as statutes, that forbid nepotism may forbid the reappointment of a judge by his or her spouse if the latter becomes the official responsible for the appointment of judges.

Nepotism in the judiciary is to be condemned.¹ Judicial canons, as well as statutes, that forbid nepotism may forbid the reappointment of a judge by his or her spouse if the latter becomes the official responsible for the appointment of judges.² However, a canon of the judicial code of conduct that a judge should avoid nepotism does not prohibit a judge from employing his or her spouse as a secretary so long as the spouse possesses the skills and competence requisite to performing the job duties.³

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Footnotes

- 1

Ind.—[Matter of Goodman](#), 649 N.E.2d 115 (Ind. 1995).

N.Y.—[Spector v. State Commission on Judicial Conduct](#), 47 N.Y.2d 462, 418 N.Y.S.2d 565, 392 N.E.2d 552 (1979).

Judge hiring niece
Mich.—[In re James](#), 492 Mich. 553, 821 N.W.2d 144 (2012).

Appointment by judge of first cousin as mediator
Nev.—[In re Fine](#), 116 Nev. 1001, 13 P.3d 400 (2000).
- 2

Spouse who becomes mayor
Okla.—[Judicial Ethics Opinion 2003-5-4](#), 2003 OK JUD ETH 5, 74 P.3d 111 (Okla. Jud. Eth. 2003).
- 3

Ky.—[Caudill v. Judicial Ethics Committee](#), 986 S.W.2d 435 (Ky. 1998), as modified, (Feb. 18, 1999).

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